

REMARKS

The Office Action and the cited and applied reference have been carefully reviewed. No claim is allowed. Claims 14 and 15 presently appear in this application and define patentable subject matter warranting their allowance. Reconsideration and allowance are hereby respectfully solicited.

The specification has been objected to because the priority information is missing from the first page of the specification and the title is not considered representative of the invention.

This objection is obviated by the amendment to the title and to page 1 of the specification.

Reconsideration and withdrawal of the objection are therefore respectfully requested.

The abstract has been objected to because the examiner indicates that in line 5, "rpoS and RpoS" are inconsistent and should be lower case or upper case in both instances. This objection is respectfully traversed.

The rpoS gene is designated in lower case but the RpoS protein encoded by the rpoS gene is different and is conventionally designated in uppercase. Thus, line 5 of the abstract is referring to the rpoS gene and to genes that are regulated by the RpoS protein product of the rpoS gene. There are no inconsistencies with the upper and lower cases in the abstract.

Reconsideration and withdrawal of the objection are therefore respectfully requested.

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Claims 14 and 15 have been objected to because the acronyms "DHCP" and "AI-2" have not been spelled out. This objection is obviated by the amendments to claims 14 and 15. Attached hereto is a copy of a review, Schauder et al., *Genes & Dev.* 15:1468-1480 (2001) which discloses autoinducer-2 (AI-2).

Reconsideration and withdrawal of the objection are therefore respectfully requested.

Claims 14 and 15 have been rejected under 35 U.S.C. §101 because the examiner states that the claimed invention is directed to non-statutory subject matter. This rejection is obviated by the amendment to claim 14 to introduce a positive method step.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claims 14 and 15 have been rejected under 35 U.S.C. §112, first paragraph, because the examiner states that the specification is not enabled for the full scope of the claims. Applicants believe that this rejection is obviated by the amendment to the claims.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claims 14 and 15 have been rejected under 35 U.S.C. §112, second paragraph, as omitting essential steps. This rejection is obviated by the amendment to claim 14.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claims 14 and 15 have been rejected under 35 U.S.C. §102(b) as being anticipated by Surette et al., *PNAS* 96:1639-1644 (1998), based

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on a method that lacks method steps. This rejection is obviated by the amendment to claim 14 to recite a positive method step, a step which is not disclosed in the cited and applied Surette et al. reference. Therefore, Surette cannot anticipate the presently claimed invention.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

In view of the above, the claims comply with 35 U.S.C. §112 and define patentable subject matter warranting their allowance. Favorable consideration and early allowance are earnestly urged.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By /ACY/
Allen C. Yun
Registration No. 37,971

ACY:pp
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
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